



March 5, 2002

Mr. Jesús Toscano, Jr.
Administrative Assistant City Attorney
City of Dallas
7BN City Hall
1500 Marilla
Dallas, Texas 75201

OR2002-1070

Dear Mr. Toscano:

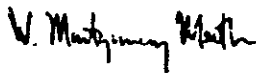
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 159251.

The City of Dallas (the "city") received a request "to view the proposals submitted in response to the Official Publication for the installation of the Computerized Parking Revenue Control, Facility Count Monitoring, CCTV Camera and Assistance Stations System at Dallas Love Field Airport." You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. The city also believes that the request for information implicates the proprietary interests of the private parties that submitted the proposals. You inform us that these private parties include Ascom Transport Systems, Inc. ("ATSI"); Federal APD ("Federal"); Scheidt & Bachmann USA, Inc. ("Scheidt"); TransCore, Incorporated ("TransCore"); and WPS North America Parking Systems (USA) ("WPS"). We note that you have submitted correspondence indicating that you have notified the third parties whose information is at issue in the current request pursuant to section 552.305 of the Government Code. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining that statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Public Information Act in certain circumstances). The city also submitted the information at issue to this office. We received correspondence from ATSI, Scheidt, and TransCore. We have considered these parties' arguments, as well as those of the city, and have reviewed the submitted information.

We believe that a prior ruling, Open Records Letter No. 2002-0226 (2002), answers your question concerning whether this information is excepted from public disclosure under section 552.101 of the Government Code. From our review of the request and the submitted information, we find that the current request encompasses the information that was at issue in your previous request for a decision. In our previous decision concerning this information, Open Records Letter No. 2002-0226, we found that the city must withhold portions of the proposals of ATSI, Scheidt, and TransCore under section 552.110 of the Government Code, account number information under section 552.136 of the Government Code, and the e-mail addresses of private individuals in accordance with section 552.137 of the Government Code. Because the four criteria for a "previous determination" established by this office in Open Records Decision No. 673 (2001) have been met, the city may rely on Open Records Ruling No. 2002-0226 to withhold the requested information.¹

If you have any questions about this ruling, please contact our office.

Sincerely,



W. Montgomery Meitler
Assistant Attorney General
Open Records Division

WMM/sdk

Ref: ID# 159251

Enc: Submitted documents & Open Records Letter No. 2002-0226 (2002)

c: Mr. Charlie Blum
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Associated Time & Parking Controls
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(w/OR 2002-0226)

¹The four criteria for this type of "previous determination" are 1) the records or information at issue are precisely the same records or information that were previously submitted to this office pursuant to section 552.301(e)(1)(D) of the Government Code; 2) the governmental body which received the request for the records or information is the same governmental body that previously requested and received a ruling from the attorney general; 3) the attorney general's prior ruling concluded that the precise records or information are or are not excepted from disclosure under the Act; and 4) the law, facts, and circumstances on which the prior attorney general ruling was based have not changed since the issuance of the ruling. See Open Records Decision No. 673 (2001).

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